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RCE #1

<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address to: Mail Stop RCE Commissioner for Patents  P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/939,253
	Filing Date	August 24, 2001
	First Named Inventor	James M. Derderian
	Art Unit	2826
	Examiner Name	A. Williams
	Attorney Docket Number	2269-4830US (01-0106.00/US)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on \_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_

iii. ☐ Other \_\_\_\_

b. Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. ☐ Other \_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge **any deficiency in** the following fees, or credit any overpayments, to Deposit Account No. 20-1469

i. ☒ RCE fee required under 37 C.F.R. 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)

iii. ☐ Other \_\_\_\_

b. ☒ Check in the amount of \$790.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print /Type)	Brick G. Power	Registration No. (Attorney/Agent)	38,581
Signature		Date	March 28, 2005

**CERTIFICATE OF MAILING**

Express Mail Label Number: EL994823436US

Date of Deposit: March 28, 2005

Person Making Deposit: Steve Wong

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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790.00 DP



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

James M. Derderian

**Serial No.:** 09/939,253

**Filed:** August 24, 2001

**For:** SEMICONDUCTOR DEVICES AND  
SEMICONDUCTOR DEVICE  
ASSEMBLIES INCLUDING A  
NONCONFLUENT SPACER LAYER  
(AMENDED)

**Confirmation No.:** 2189

**Examiner:** A. Williams

**Group Art Unit:** 2826

**Attorney Docket No.:** 2269-4830US  
(01-0106.00/US)

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EL994823436US

Date of Deposit with USPS: March 28, 2005

Person making Deposit: Steve Wong

**RESPONSE SUBMITTED WITH REQUEST FOR CONTINUED  
EXAMINATION (RCE)**

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is being filed in response to the Final Office Action, which was mailed on January 26, 2005, and along with a Request for Continued Examination (RCE). The three-month shortened statutory period for response to the Final Office Action expires on April 26, 2005. This Response is being filed by April 26, 2005.